

PETITION UNDER 28 USC § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District <i>Delaware</i>	0 6 - 0 2 4
Name <i>Charles Morgan</i>	Prisoner No. <i>525805</i>	Case No. <i>04cv013217</i>	
Place of Confinement <i>HRVCI 1301 E 12th st Wilm, DE 19809</i>			
Name of Petitioner (include name under which convicted) <i>Charles Morgan</i>		Name of Respondent (authorized person having custody of petitioner) v. <i>HRVCI Raphael Williams</i>	
The Attorney General of the State of:		FILED <i>JAN 13 2006</i> U.S. DISTRICT COURT DISTRICT OF DELAWARE	
PETITION			
1. Name and location of court which entered the judgment of conviction under attack <i>N/A</i>			
2. Date of judgment of conviction <i>N/A</i>			
3. Length of sentence <i>N/A</i>			
4. Nature of offense involved (all counts) <i>Attempted Murder first degree, Possession of a firearm during the commission of a felony, Conspiracy first degree.</i>			
5. What was your plea? (Check one) (a) Not guilty <input type="checkbox"/> (b) Guilty <input type="checkbox"/> (c) Nolo contendere <input type="checkbox"/> If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details: <i>N/A have not been to trial</i>			
6. If you pleaded not guilty, what kind of trial did you have? (Check one) (a) Jury <input type="checkbox"/> (b) Judge only <input type="checkbox"/> <i>N/A</i>			
7. Did you testify at the trial? Yes <input type="checkbox"/> No <input type="checkbox"/> <i>N/A</i>			
8. Did you appeal from the judgment of conviction? Yes <input type="checkbox"/> No <input type="checkbox"/> <i>N/A</i>			

AO 241 (Rev. 5/85)

9. If you did appeal, answer the following:

(a) Name of court _____

(b) Result _____

(c) Date of result and citation, if known _____

(d) Grounds raised _____

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

(1) Name of court _____

(2) Result _____

(3) Date of result and citation, if known _____

(4) Grounds raised _____

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

(1) Name of court _____

(2) Result _____

(3) Date of result and citation, if known _____

(4) Grounds raised _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

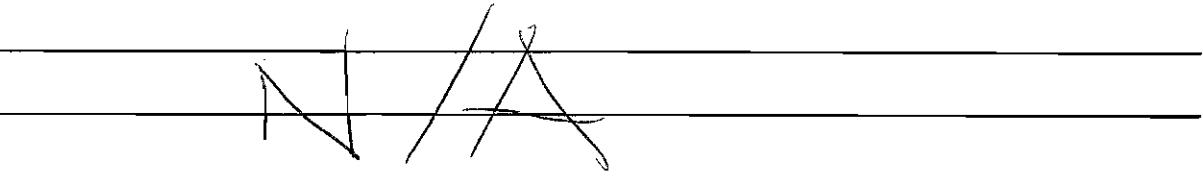
Yes No

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court _____

(2) Nature of proceeding _____

(3) Grounds raised _____



(4) Did you receive an evidentiary hearing on your petition, application or motion?
 Yes No

(5) Result _____

(6) Date of result _____

(b) As to any second petition, application or motion give the same information:

(1) Name of court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?
 Yes No

(5) Result _____

(6) Date of result _____

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes No

(2) Second petition, etc. Yes No

N/A

(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:



12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the *facts* supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: Victim has stated to the arresting authorities that I was not the person whom shot him.

Supporting FACTS (state briefly without citing cases or law) No gun was found ever on this case. The CD player was no issue nor was it a motive for the crime due to it being given back, prior to the supposed shooting.

"Also see attached Sheets Grounds."

B. Ground two: In the newspaper article they said I was just a suspect to the crime, now I'm prime suspect

Supporting FACTS (state briefly without citing cases or law): I've been in here 14 months and the state postponed my trial dates 3 times already. Plaintiff is being charged wrongly and fraudulently being prosecuted by the State of Delaware. Detective Teresa A. Williams interviewed Lane at Christian hospital but according to her report failed to obtain evidence that would prove Plaintiff innocence.

C. Ground three: Police never developed a motive because it was found that the plaintiff and victim were

Supporting FACTS (state briefly without citing cases or law): very close friends.

written statements made by plaintiff and victim to police about the alleged crime were the same that the plaintiff above was not the one who shot the victim. Police rewrites would be the only way these statements would differ.

D. Ground four

See attached sheets

Supporting FACTS (state briefly without citing cases or law): witness to the

plaintiff that the plaintiff would not have committed this crime and would not just turn himself in for Attempt Murder charge if he did it. If Darnell stated to the police that Paul shot him, and told police that Paul shot him, how can the police charge plaintiff with shooting him?

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not so presented, and give your reasons for not presenting them:

N/A

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?
Yes No

N/A

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing

N/A

(b) At arraignment and plea

N/A

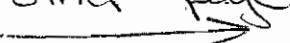
Case ID# 0410013217

11-10-05

Motion to Dismiss

*Now comes Defendant Charles Morgan on his own behalf to move this honorable court to Dismiss all charges against him on the following grounds:

- 1) Victim has stated to the arresting authorities that the Defendant was not the person whom shot him.
- 2) No gun was found ever on this case.
- 3) Witness to the Defendant that the Defendant would not have committed this crime and would not just turn himself in for Attempt Murder charge if he did it.
- 4) In newspaper article the Defendant was just a suspect to the crime, now Defendant is prime suspect.
- 5) Police never developed a motive because it was found that the Defendant and victim were very close friends.
- 6) CD player was no issue nor was it a motive for the crime due to it being given back, prior to the supposed shooting.

see other page 

7) Written statements made by Defendant and victim to police about the alleged crime were the same that the Defendant above was not the one who shot the victim. Police rewrites would be the only way those statements would differ.

8) Detectives never questioned Lane as to gun powder blast going off in his face because he states he saw Paul shoot him.

9) Defendant is being charged wrongly and fraudulently being prosecuted by the State of Delaware.

10) To further the fraud the police failed to acknowledge a police report statement that the victim stated the defendant was not the shooter.

11) If Darnell stated to the police that Paul shot him, and told police that Paul shot him, how can the police charge Defendant Morgan with trying to shoot him?

12) Police never checked homes around the alleged shooting scene. Never questioned home owners about owning a gun. No bullets were recovered at the scene.

- 13) Police and Prosecutor have failed to discover or try to find a gun residue or gun powder traces on the accused shooter or Defendant.
- 14) The fact that a bullet lodged in Lane's head or under his skin proves that the bullet came from a long distance away and ended up in Lane's head.
- 15) Not checking for gun's in the Raw home's for went vital evidence that the bullet that lodged in Lane's head came from one of the back pouches of the home's.
- 16) With no gun - the state could not prove that either Farney or Morgan did any shooting at all.

Best Personal Regards
Charles Morgan

525805

AO 241 (Rev. 5/85)

(c) At trial _____

(d) At sentencing _____

(e) On appeal _____

(f) In any post-conviction proceeding _____

(g) On appeal from any adverse ruling in a post-conviction proceeding _____ *N/A*

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes No *N/A*

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes No

(a) If so, give name and location of court which imposed sentence to be served in the future: _____ *N/A*

(b) Give date and length of the above sentence: _____ *N/A*

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes No *N/A*

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

12/21/05

(date)

Charles Morgan

Signature of Petitioner

Charles Wagner Esq.
1301 E. 12th Street
Wilmington, DE 19801
U.S. District Court
Locke Lamont
844 King St
Wilmington, DE 19801

Charles Wagner Esq.
1301 E. 12th Street
Wilmington, DE 19801